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Attorneys for Defendant  
Lowe's Home Centers, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT  
2007 JUL 18 P 2:49  
S.D. OF N.Y. W.P.

JENNIFER BATTAGLIA,

Plaintiff,

v.

LOWE'S HOME CENTERS, INC.,

Defendant.

Civil Action No.

**07 CIV. 6501**

NOTICE OF REMOVAL

**BRIEANT**

TO: THE CHIEF JUDGE AND JUDGES OF THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

ON NOTICE TO:

David S. Halsband, Esq.  
Halsband Law Offices  
39 Hudson Street, 4<sup>th</sup> Floor  
Hackensack, New Jersey 07601  
Attorneys for Plaintiff

Clerk of the Court  
Supreme Court of the State of New York  
County of Dutchess  
22 Market Street  
Poughkeepsie, New York 12601

PLEASE TAKE NOTICE that Defendant Lowe's Home Centers, Inc. ("Lowe's" or "Defendant"), by and through its attorneys, Drinker Biddle & Reath LLP, hereby removes this civil

action currently pending in the Supreme Court of the State of New York, County of Dutchess, Index No. 3270/07 (hereinafter the "State Court Action"), to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §1441 and §1446, as amended, and in accordance with 28 U.S.C. §1332, on the following grounds:

1. Plaintiff instituted the State Court Action by filing a Complaint in the Supreme Court of New York, County of Dutchess, on June 7, 2007. In the Complaint, Plaintiff Jennifer Battaglia alleges that Lowe's discriminated against her on account of her disability and unlawfully terminated her on February 12, 2007 in violation of the New York State Human Rights Law. Plaintiff seeks damages in the form of back pay, front pay, punitive and compensatory damages, and attorneys' fees, costs and expenses. (Exhibit A). The amount in controversy exceeds \$75,000.

2. Plaintiff personally served the Complaint upon Lowe's on June 19, 2007 and via regular mail on June 20, 2007. (Exhibit B).

3. There is complete diversity of citizenship between the parties. Lowe's is a North Carolina corporation with its principal place of business in North Carolina. Plaintiff is a citizen of the State of New York residing at 33 Charlotte Road, Fishkill, New York. (Exhibit A).

4. Diversity jurisdiction exists in this matter pursuant to 28 U.S.C. §1332(a)(1), which provides for original jurisdiction of all civil actions in the district court between citizens of different States where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. This action, therefore, may be removed to this court by Lowe's pursuant to 28 U.S.C. §1441 and 1446. Removal is timely under 28 U.S.C. 1446(b) because this notice is filed within 30 days of Lowe's receipt of Plaintiff's Complaint.

4. Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district corresponding to the place where the State Court Action was pending.

5. As required by 28 U.S.C. § 1446(a), a copy of all process and pleadings are annexed hereto.

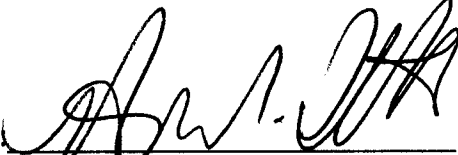
6. This Notice of Removal satisfies the requirements of §1446(b) because (i) Lowe's has filed this Notice of Removal within one year of the date the State Court Action was commenced, and (ii) within 30 days of receiving the Complaint, which constitutes Lowe's first notice that Plaintiff's claims are removable to this Court.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff's counsel, and a Notice of Filing of Notice of Removal is simultaneously being filed with the Supreme Court of the State of New York, County of Dutchess. (Exhibit C).

WHEREFORE, Lowe's prays this Honorable Court will remove this action from the Supreme Court of the State of New York, County of Dutchess, and request that further proceedings be conducted in this Court as provided by law.

Dated: Florham Park, New Jersey  
July 18, 2007

DRINKER BIDDLE & REATH LLP

By: 

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